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3 UNITED STATES DISTRICT COURT
4 WESTERN DISTRICT OF WASHINGTON
5 AT TACOMA

6 JAMES M. HINKLEY,

7 Plaintiff,

v.

8 ELDON VAIL, SCOTT RUSSELL,
9 KERRY ARLOW, JEFFREY L.
10 CARLSEN, STEVE DEMARS, JOHN
11 AND JANE DOES 1-32,

Defendants.

No. C12-5969 RBL/KLS

ORDER DENYING MOTION FOR
ENTRY OF DEFAULT

12 Before the Court is Plaintiff's Motion for Entry of Default against Jeffrey L. Carlsen and
13 Steve Demars. ECF No. 20. Having carefully considered the motion, Defendants' response
14 (ECF No. 23), and balance of the record, the Court finds that the motion should be denied.
15

16 **DISCUSSION**

17 Rule 55, which governs the entry of default, provides for the entry of default when a
18 party fails to plead or otherwise defend. Fed. R. Civ. P. 55. The Federal Rules of Civil
19 Procedure provide that a defendant who waives service is required to answer within sixty days
20 after the date on which the request for a waiver is sent. Fed. R. Civ. P. 4(d)(3).

21 Plaintiff seeks default judgments against Defendants Jeffrey L. Carlsen and Steven
22 DeMars. ECF No. 20. However, these defendants filed waivers of service, so the sixty-day rule
23 applies and their answers were not due until February 21, 2013. ECF Nos. 13 and 16.
24 Defendants Carlsen and DeMars filed their Answer to Plaintiff's Amended Complaint on
25 February 19, 2013. ECF No. 24.

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ORDER - 1

1 Accordingly, it is **ORDERED**:

- 2 (1) Plaintiff's motion for default (ECF No. 20) is **DENIED**.
- 3 (2) The Clerk shall send a copy of this Order to Plaintiff and to counsel for
4 Defendants.

5 **DATED** this 27th day of February, 2013.

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9 Karen L. Strombom
United States Magistrate Judge